



Appeal Decision

Site visit made on 12 November 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/B3410/W/19/3236266

Barn at Pumpfields Farm, Stubby Lane, Draycott in the Clay DE6 5BU

- The appeal is made under section 78 of The Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Robinson against the decision of East Staffordshire Borough Council.
 - The application Ref P/2019/00719, dated 12 June 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the conversion of an agricultural barn to form a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant's application form does not provide a description of the proposed development. However, the appeal form and the Council's decision notice refer to the development proposed as the conversion of an agricultural barn to form a dwelling, I have therefore adopted this description above.
3. Furthermore, the Council's decision notice, the officer's report and the appellant's supporting information all refer to the associated building operations. I shall therefore consider the appeal as comprising of the change of use and for associated operational development, having regard to Class Q part (a) and (b).
4. There is no dispute between the parties that the proposal complies with the requirements set out in paragraph Q.1. parts (a) to (h), and parts (j) to (m). Accordingly, I shall confine my detailed consideration to the remaining Q.1. part (i).

Main Issue

5. The main issue in this case is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), with regard to the associated operational development.

Reasons

6. The appeal building is an elongated steel framed agricultural structure, located in the south western corner of a field and accessed off Stubby Lane via an

existing farm gate. The building consists of six bays, four of these bays are open to the front, whilst the two remaining bays are enclosed by a low level wall, with vertical timber cladding above. The front of the building is therefore mostly open and exposed. The rear and side elevations of the building are enclosed by walls constructed in profiled metal cladding, similar to that of the roof. These materials show some minor signs of weathering, although are in reasonably good condition for its current agricultural use for the storage of farm implements and machinery.

7. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order¹ and any building operations reasonably necessary to convert the building.
8. Paragraph Q.1.(i) (i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than: (i) the installation or replacement of — (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and (ii) partial demolition to the extent reasonably necessary to carry out building.
9. The submitted plans and details show that various works are proposed to the external fabric of the building including the installation of windows to the rear elevation, and the substantial infilling of the front elevation of the building along with new doors and windows. Whilst the existing wall coverings to the rear and sides of the building would be retained a new internal blockwork skin is to be constructed to make the building habitable.
10. Individually some of the proposed works such as the insertion of window openings may seem reasonable, and the new internal blockwork skin and new floors are internal. However, when considering the works in their totality, they would be significant to convert the building into a habitable condition and, in my view, would go beyond the extent reasonably necessary for the building to function as a dwellinghouse. Furthermore, whilst some internal alterations are exempt from the definition of development under s55(2)(a) of the Town and Country Planning Act 1990, this applies to works of '*maintenance, improvement or other alteration of any building of works*' which affect only the interior of the building'. In my view the works in this proposal are more akin to rebuilding, and do involve development, considering the degree of internal blockwork required, along with the other works.
11. I have considered the parties claims in relation to the Hibbitt case², and the advice contained in paragraph 105 of the Planning Practice Guidance (PPG), which provides further clarification. The PPG states that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.'

¹ SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended

² Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

12. The operational development required to enclose the front of the building is substantial, and in the light of the Hibbitt case and the PPG, the works to facilitate the creation of a residential unit would be so extensive that they would go beyond what could be described as building operations reasonably necessary to convert the existing agricultural building and it is my finding, therefore, that the existing building is not suitable for conversion.
13. Consequently, the proposed residential use of the building would not be permitted development because it would not satisfy the requirements of Class Q.1.(i) (i) of Part 3 of the GPDO. Therefore, the proposed development does not benefit from deemed consent granted by the GPDO.

Other Matters

14. The appellant's submission refers to previous appeal decisions relating to other barns open on one side. However, I have not been provided the full details of each case and, as such, I can attach little weight to it in my decision. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
15. Given my conclusion above there is no need for me to consider the prior approval matters as it would not alter the outcome of the appeal.

Conclusion

16. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR